

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

2019 AUG 20 AM 10: 08

WHAM-O HOLDING, LTD. and
INTERSPORT CORP. d/b/a WHAM-O,
Plaintiffs,
v.

Case No.: 19-cv-04407
Judge Charles P. Kocoras
Magistrate Judge M. David Weisman

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE
"A",
Yoshiom Store of Defendants.

FILED

AUG 20 2019

RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT
MAY IT PLEASE THE COURT:.

PRELIMINARY STATEMENT

1. The defendant's one and only posted hula hoop brand is "WEIGHT HOOP®" which is covered by U.S. Trademark Reg. No.:4553992, valid, subsisting, and in full force and effect. NOT "HULA-HOOP" trademark. The defendant got permission to use and sell online.
2. The brand of item specifics shows: "NoEnname_Null". The online page shows this.
3. No sales, no profits through hula hoop.
4. The Plaintiff has no evidence of partnerships and unincorporated associations.
5. The plaintiff and its attorney's fake evidence and perjury to deceive the court by false testimony image without the important item brand property: "Brand Name:NoEnName_Null"
6. The plaintiff mislead the court by the financial payment page. The bottom part of the page is "Payment Received": "Total", "Received", "Payment Method" all are empty there, and it means no payment. This will possibly create an illusion of payment finished.
7. The plaintiff mislead the court by buyers' negative review page, mislead the court to create an illusion of bad reputation of the defendant, to create an illusion of negative feedback from the nonexistent hula hoop order.
8. The plaintiff mislead the court by creating the evidence FDF "311 Yoshiom Store" by small scale, not 100% scale to make the defendant's image printing trademark unclear and blurred intentionally.
9. This is a title translation and generic item matter, not a willful trademark infringement and counterfeiting lawsuit.
10. The plaintiff's trademark hula hoop is a generic name in the US and China.
11. No information in the defendant's hula hoop page confuses the consumers.
12. The defendant Yoshiom's title "Foam hula hoop...." not capital, will not confuse the consumers. On Amazon market and other online market websites, even the Plaintiff its own hula hoop's titles all preceded by "Wham O" and/or "Original" for the consumers to

distinguish from other brand or other ordinary hula hoop.

13. The Plaintiff's coercive monopoly, this is not only trademark law case. Now no hula hoop selling on the AliExpress market.

14. The Plaintiff and its attorney's extortion and fraud. The Plaintiff and its attorney's having devised or intending the scheme or artifice to defraud by means of false or fraudulent pretenses through default judgment or claim high settlement money. The jurisdiction again, The Plaintiff's in Hong Kong China, AliExpress is based in China, and defendant is China too. Court jurisdiction and venue in China are more proper than in the US. In order to facilitate the litigation and enforcement of legal fraud and robbery, the plaintiff's attorney increased the difficulty of responding to the complaints and chose to sue in the North District Court of Chicago. Cause the small seller like the defendant Yoshiom Store absent appearance and default judge. The reason and facts of the impossibility of legal response including but not limited to: No attorney representation, the trip to the US is unaffordable and infeasible. Time limit, Class action unavailable by the hidden law document of defendant list. The civil case is for US residents, but very unfair to an ordinary foreigner no help from anyone like Americans. This is international case, this is the opportunity and law leaking for the Plaintiff and its attorney to do the crime of fraud, extortion, threat and perjury legally and successfully.

All these will greatly and possibly cause default judgment, this is extortion, trap setting and fraud. The plaintiff and its attorney know this, so it chose America court and is use the impossible respond to court to reach the goal of extortion and fraud. The foreign ordinary defendant's situation is much worse than a US defendant incarcerated or a US prisoner.

15. The plaintiff and its attorney's perjury made by the attorney itself to the court, and to the defendant. Attorney's misleading, disingenuous, and deceptive attempt to spin the conclusions of infringement, also fraud defendant for the high settlement money.

All above evidences is in the answer.

WHEREFORE, defendant, Yoshiom Store, pray that the premises considered, This Motion for Entry of Default Judgment, be denied.

DATED: August 17, 2019.

Respectfully submitted,

Casey Yan

Han Yaxin

Yoshiom store

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